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10 Attorneys for Defendant
11 WALMART, INC.

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BRADLEY BORGES, an individual,
Plaintiff,

vs.

WALMART, INC.; a corporation; DOE 1, an
individual, and DOES 2 through 50, Inclusive,

Defendants.

Case No:
Judge
Crtrm:

**NOTICE OF REMOVAL OF ACTION
PURSUANT TO 28 U.S.C. SECTIONS 1332
AND 1441(a) AND (b)**

Action Filed: June 28, 2024

**TO THE CLERK OF THE ABOVE-ENTITLED COURT, TO THE PARTIES,
AND TO THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that Defendant WALMART INC. ("Defendant"),
by and through its counsel, hereby removes the above-entitled action filed by Plaintiff
BRADLEY BORGES (hereinafter referred to as "Plaintiff") civil complaint, filed in
the Superior Court of the State of California, County of Los Angeles entitled *Bradley*
Borges v. Walmart, Inc., et al., Case Number 24NWCV02010, to the United States

1 District Court, Central District of California pursuant to 28 U.S.C. §1441, and
2 respectfully alleges as follows:

3 1. On March 26, 2024, Defendant was served a pre-litigation demand and
4 Plaintiff's medical records totaling \$216,259.00. A copy of the demand is attached
5 hereto as **Exhibit "1"**.

6 2. On June 28, 2024, an action was commenced in the Superior Court of the
7 State of California, County of Los Angeles, entitled *Bradley Borges v. Walmart, Inc.,*
8 *et al.*, Case Number 24NWCV02010 (“the State Action”). A copy of the Complaint filed
9 in the State Action is attached hereto as **Exhibit “2”**.

10 3. Defendant was served with a copy of the Complaint filed in the State
11 Action and a Summons from the State Court on December 27, 2024. A copy of the
12 Summons is attached hereto as **Exhibit “3”**.

13 4. Based on a review of the State Court file, as of January 27, 2025, no other
14 Defendant has been served with any Summons or Complaint in the State Action.

15 5. Plaintiff's Complaint purports to assert a cause of action based in
16 negligence/premise liability and the ADA/Unruh Act. Plaintiff's Complaint seeks to
17 recover damages for general economic and non-economic damages, medical expenses,
18 loss of past and future earnings, and costs of litigation.

DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1332 (A)

20 6. This Court has jurisdiction over this matter under 28 U.S.C. section
21 1332(a)(1), because there is complete diversity as the parties are citizens of different
22 states, and the amount in controversy exceeds \$75,000.00, exclusive of interest and
23 costs. Removal is therefore proper pursuant to 28 U.S.C. sections 1441 (a) and (b).

a. Plaintiff is a Citizen of California

25 8. Plaintiff is domiciled in and is presently a citizen of the State of California
26 and was such at the time of incident. Pursuant to the Complaint, Plaintiff contends
27 that they are domiciled in the State of California, and a present citizen of California.

b. Plaintiff Claims Damages in Excess of \$75,000

1 9. Plaintiff claims damages in excess of \$75,000. **Exhibit “1”** shows
2 damages in total of \$216,259.00.

3 **c. Walmart, Inc. is a Citizen of Delaware**

4 10. Defendant is a citizen of Delaware where it is incorporated, and of
5 Arkansas, where it holds its principal place of business (in Bentonville, Arkansas).
6 Copies of Walmart, Inc.’s corporate information from the California Secretary of State
7 Business Search and the Arkansas Secretary of Business/Commercial Services are
8 attached hereto as **Exhibits “4” and “5,”** respectively.

9 11. Because the State Action is pending in the Superior Court of California
10 in and for the County of Los Angeles, removal of this action to this District Court is
11 proper under 28 U.S.C. section 1441(a).

12 12. Removal is timely under 28 U.S.C. section 1446(b)(1) because this
13 Notice of Removal is filed within 30 days of Walmart being served with Plaintiff’s
14 Summons and Complaint.

15 13. Written notice of the filing of this Notice of Removal will be promptly
16 served on Plaintiff. A true and correct copy of this Notice of Removal and the
17 concurrently filed Notice of Interested Parties and Civil Cover Sheet will be filed with
18 the Clerk of the Superior Court of the State of California in and for the County of Los
19 Angeles as soon as practicable.

20 **WHEREFORE**, Walmart requests that the above-entitled action be removed
21 from the Superior Court of the State of California, County of Los Angeles to the United
22 States District Court.

23 Dated: January 27, 2025

BURGER, MEYER & D’ANGELO, LLP

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26 _____
27 Bron E. D’A _____, Esq.
 Anna L. Cornetta, Esq.
 Attorneys for Defendant
 WALMART, INC.

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 999 Corporate Drive, Suite 225, Ladera Ranch, California.

On January 27, 2025, I served the within document(s) described as **NOTICE OF REMOVAL OF ACTION PURSUANT TO 28 U.S.C. SECTIONS 1332 AND 1441(a) AND (b)** on the interested parties in this action as stated on the attached mailing list.

Delavar Omidfar, SBN 317026 MAKKABI LAW GROUP, APC 9454 Wilshire Boulevard, Suite 900 Beverly Hills, California 90212	Attorneys for Plaintiff Bradley Borges T: (310) 887-8000 F: (310) 887-8001 E: info@makkabilaw.com domifar@makkabilaw.com 14@makkabilaw.com
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BY E-MAIL: I caused a copy of the document(s) to be sent from e-mail address nsebreros@burgermeyer.com to the persons at the e-mail addresses listed in the Service List. The document(s) were transmitted, and I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 27, 2025, at Ladera Ranch, California.

Miles Lewis

Nicole Sebreros